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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,198	03/04/2002	Jurgen Heigl	TRW(REPA)6053	3513
26294	7590	10/20/2004	EXAMINER	
TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 526 SUPERIOR AVENUE, SUITE 1111 CLEVEVLAND, OH 44114			CULBRETH, ERIC D	
			ART UNIT	PAPER NUMBER

3616

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,198

Applicant(s)

HEIGL, JURGEN

ST

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by German Patent Document 20007930 U1 (of record, cited by applicant).

Although German '930 U1 is not in English, it is the priority document for US Patent 6,447,005 to Alb et al, and hence should include all the subject matter of Alb et al. German '930 U1 teaches (claim 1) a vehicle interior lining for a roof frame comprising a vehicle interior lining 12, 14 (see Alb et al, column 1, lines 23-26, where the channels of the invention are mounted along the roof edge of a vehicle, hence lining the roof along an interior) and a gas bag 10 and lance 18 of a gas bag module. The recitation of a vehicle interior lining, contrary to applicant's remarks, does not have to be interpreted to mean a lining facing or visible from the passenger compartment, as terms and phrases in the claims are given their broadest reasonable interpretation (MPEP 2111) and words of a claim are given their plain meaning unless defined in the specification (MPEP 2111.01). When installed the lining and module extend between an A-column and a C-column of a vehicle (Alb et al, column 1, lines 16-17). The lining is comprised of at least two pieces 12, 14 which together form the gas bag module. The recitation at the end of claim 1 (the two pieces forming a preassembled unit which before final installation are displaceable longitudinally with respect to each other) is not patentably distinguishing in an article claim (in an article claim, the preassembled parts are not patentable; only the final product

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is patentable). In fact, as functionally recited, the parts 12, 14 are longitudinally displaceable before final installation before cover 20 is attached at least. Similarly, regarding claim 11, in the state before final installation in the vehicle when cover 20 is not attached yet, the folded elongated gas bag is the only connection between lining pieces 12, 14. In the preassembled state, the two lining pieces 12, 14 are able to be folded onto each other (column 1, lines 25-30)(claim 12)(at any rate, what can be done before final installation to the unit is not patentably distinguishing).

3. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Miyahara et al (of record).

Miyahara et al discloses a vehicle interior lining assembly for a roof frame comprising interior lining 15, 16 (i.e., the assembly as shown in Figure 1 lines a vehicle roof frame interior) and a gas bag module 18, 21 fastened to the lining at 23 in Figure 2A, the gas bag in Figure 1 extending between A-column 1 and C-column 3. The lining's two pieces 15, 16 form a preassembled unit with the gas bag module and before installation are longitudinally displaceable (claim 1), are divided into two parts 15, 16 at a B-column in Figure 1 (claim 2), are spaced from each other in Figure 4 (parts 53 and 54) (claims 3 and 9), and have fastening means 23 in Figure 2A that fasten both lining pieces 15, 16 and the gas bag permanently to the vehicle inasmuch as applicant's invention (claim 4). Inflator 21 is part of the preassembled unit (claim 5) as functionally recited. In regards to claim 10, in Figure 1 the adjacent ends of pieces 15, 16 overlap at 17 at the B-column. Regarding the limitation added to claim 10 that the lining pieces and module form a preassembled unit which are displaceable longitudinally before final

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installation, in Figure 1 Miyahara's pieces 15, 16 are displaceable longitudinally before a bolt or fastener is placed through members 36, 37.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara et al in view of Haland et al (of record).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Miyahara et al to include the inflator near the B-column as taught by Haland et al's inflator 51 in order to distribute gas evenly throughout the bag from the beginning (i.e., to inject gas from the center of the bag so that it quickly reaches both ends as opposed to an end so that the gas has to travel the length of the bag to reach the other end).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, line 4 something has apparently been omitted at the end of the line (the line ends "each vehicle interior lining piece").

Allowable Subject Matter

8. Claim 16 is allowed.
9. Claim 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
10. Claims 14-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric D Culbreth
Primary Examiner
Art Unit 3616



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